

## Article - Education

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§23-808.

(a) (1) Except as provided in paragraph (2) of this subsection, the employer and the certified exclusive representative shall reach an agreement by March 1 of the year in which a collective bargaining agreement will expire.

(2) The employer and the certified exclusive representative mutually may agree to extend negotiations for a period not to extend past June 30 of the year in which a collective bargaining agreement will expire.

(b) An impasse is reached during the negotiations between the employer and the certified exclusive representative if the employer and the certified exclusive representative do not reach an agreement by:

(1) March 1 of the year in which a collective bargaining agreement will expire; or

(2) If negotiations were extended, the date to which negotiations were extended under subsection (a)(2) of this section.

(c) (1) If an impasse is reached under subsection (b) of this section, the employer and the certified exclusive representative shall submit a final offer to the other party within 48 hours after the impasse is reached.

(2) Unless the impasse reached under subsection (b) of this section has been resolved, the dispute and the final offers shall be submitted to the mediator selected by the parties in accordance with subsection (d) of this section.

(d) (1) Within 30 days after a mediator is selected by the parties, the mediator shall:

(i) Meet with the Director and the certified exclusive representative; and

(ii) Make written findings of fact and recommendations for the resolution of the dispute in accordance with this subsection.

(2) (i) If the parties are unable to agree on a mediator, they shall request a list of seven mediators from the Federal Mediation and Conciliation Service.

(ii) Within 3 working days after receiving the list under subparagraph (i) of this paragraph, the parties shall alternately remove one mediator from the list until only one mediator remains, who the parties shall agree will serve as the mediator under this subsection.

(3) The mediator shall act as an intermediary in bringing the parties together and shall actively assist the parties in resolving the dispute by:

(i) Conducting proceedings in accordance with this subsection;

(ii) Reviewing the final positions of the parties;

(iii) Identifying the major issues in the dispute between the parties;

(iv) Reviewing the positions of the parties; and

(v) Recommending a resolution for the agreement of the parties.

(4) A resolution under this subsection:

(i) Shall address matters such as wages, hours, or terms and conditions of employment;

(ii) May not include health care benefits; and

(iii) May not exceed 1 fiscal year, unless agreed to by the parties.

(5) Any resolution under this subsection regarding pension benefits shall be construed as a recommendation to or consideration for the appropriate pension administrator of the State or Baltimore County.

(6) (i) Before issuing a final decision, the mediator shall take into consideration, among any other relevant factors:

1. The wages and pension benefits, not including health care benefits, of the employees of the bargaining unit;

2. The wages and pension benefits of other similarly situated employees performing similar services in libraries of comparable

jurisdictions to Baltimore County in the State, taking into consideration the cost of living index for the area in which the comparable department is located;

3. Wages and pension benefits of similarly situated Baltimore County employees;

4. The last published annual U.S. Department of Labor Consumer Price Index for All Urban Consumers for All Items in the Washington–Baltimore area;

5. The special nature of the work performed by the employees of the bargaining unit, including:

A. Physical requirements of employment;

B. Educational requirements;

C. Job training and job skills; and

D. Shift assignments and the demands placed on the employees compared to the demands placed on other similarly situated library employees in comparable jurisdictions to Baltimore County;

6. State and county mandated expenditures;

7. Subject to subparagraph (ii) of this paragraph, availability of funds, including financial sources of revenue; and

8. The interest and welfare of the public.

(ii) In considering the availability of funds for wage increases, the mediator shall consider the general fund revenues of Baltimore County and the Baltimore County Spending Affordability Committee Report.

(7) A mediator may not:

(i) Recommend a wage increase without approval of the County Executive and County Council;

(ii) Recommend a pension benefit increase without approval of the appropriate pension administrator of the State or Baltimore County; or

(iii) Consider testimony regarding funds for capital improvements, surplus contingency, or reserve funds.

(8) (i) The parties are strongly encouraged to reach an agreement on all issues whenever possible.

(ii) If no agreement can be reached by the parties, the mediator shall issue a report with the mediator's decision, including written findings of fact.

(9) The mediator may adopt a package of final positions or rule on each matter separately.

(10) Copies of the mediator's written findings and recommendations shall be submitted to the Director and the certified exclusive representative on or before the immediately following April 2.

(11) Any costs associated with this subsection shall be shared equally by the employer and the certified exclusive representative.

(12) This subsection may not be construed to interfere with any efforts the parties may undertake to reach an agreement at any time.

(13) (i) The County Executive is not bound by any decision made under this subsection and shall act in accordance with this section.

(ii) The County Council may accept or reject the recommendation of approval by the County Executive.

(14) This subsection shall be the exclusive procedure for resolving disputes between the parties, unless the parties, by mutual agreement, determine to use another method of dispute resolution.

(e) (1) The Director shall submit the findings and recommendations of the mediator to the Board in a timely manner consistent with the timing of paragraph (2) of this subsection.

(2) The Board shall approve all recommendations and findings of the mediator that do not relate to a financial issue or require an appropriation of additional funds within 5 days of the mediator's decision.

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